

REMARKS

With entry of this amendment, Applicants request reconsideration and allowance of the pending claims. Claims 1-61 are pending. Claims 1, 7 and 10-61 have been withdrawn and claims 2-6 and 8, 9 are currently presented for examination.

In item 4 of the Office Action dated April 6, 2004, the Office required compliance with the Sequence Listing requirements of 37 C.F.R. § 1.821-1.825 for the sequence presented in Figure 10. Applicants respectfully note that the sequence presented in Figure 10 is represented by SEQ ID NO: 339. The description of Figure 10 presented in paragraph 40 of the specification has been amended to indicate that the sequence is SEQ ID NO: 339. Therefore, Applicants respectfully request that any rejection or objection based on the Sequence Listing requirements be withdrawn.

In item 5, the Office objected to the Brief Description of the drawings because it asserted that the description does not describe panels A and B. Applicants have amendment paragraphs [040] and [041] to include descriptions of the panels A and B for Figures 12-14. Specifically, the descriptions of Panels A and B in each of Figures 12, 13, and 14 have been amended to indicate that Panel A depicts an image of the slot blot and that panel B depicts quantitation of the image.

In item 12, the Office rejected claims 2-6, 8, and 9 under 35 U.S.C. § 112, second paragraph, because it asserted that the limitation of "at least one RNA transcript of Table 1" in step b of claim 2 is vague and indefinite because Table 1 recites cDNA sequences not RNA transcripts. Applicants have amended claim 2, step b, to recite "detecting the expression in the embryo of an RNA transcript of wherein the RNA

transcript has a sequence corresponding to the cDNA sequence of SEQ ID NO: 79 or 131." Therefore, the claim is definite by indicating that the RNA transcript has the same sequence as the cDNAs of SEQ ID NO: 79 and 131. Accordingly, Applicants respectfully request that this rejection be withdrawn.

In addition, in item 12, the Office asserted that there is no antecedent basis for the term "said at least two RNA transcripts" in claim 9. Applicants have amended claim 9 to recite "at least two RNA transcripts", without the term "said." Because "at least two" is narrower than "at least one" in claim 2, from which claim 9 depends, claim 9 is proper under 35 U.S.C. § 112, and Applicants respectfully request that this rejection be withdrawn.

In item 3 on page 5 of the Office Action, the Office rejected claims 5 and 6 under 35 U.S.C. § 112, first paragraph, for a lack of written description of variants of the sequences listed in Table 1. Although Applicants do not agree that the basis of this rejection is valid, to further prosecution, claims 5 and 6 have been canceled.

In view of the foregoing amendments and remarks, Applicants respectfully request the reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 2, 2004

By:

A handwritten signature in black ink, appearing to read "M. Andrew Holtman", written over a horizontal line.

M. Andrew Holtman
Reg. No. 53,032